

Domestic Violence and Intervention

1. Domestic violence (spouse and child abuse) is handled both criminally and clinically. You are responsible to ensure judicial due process of the offense, and to ensure the family receives treatment to enhance the family dynamics.



2. As a commander, you are required to report all suspected cases of child or spouse abuse, which occur both on and off-post, to Department of Social Work at Womack Army Medical Center (WAMC) and the Fort Bragg MP Desk at 396-0391. Reports are received from 0730-1630 duty days at 432-6501/2401. After hours or on non-duty days, reporting is made through the Military Police Desk at 396-0391 or the WAMC Emergency Room at 432-7828.

3. The Family Advocacy Program is congressionally mandated and directed from the DOD Office of Personnel and Readiness. It is a dual mission program to prevent and to treat child/spouse abuse. Here, both the Army Community Services (ACS) and Social Work Service (SWS) have roles in prevention. Command and community education is the responsibility of the ACS. Treatment and case management are the roles of the Social Work Service.

4. If you are the commander of a soldier apprehended for a domestic violence offense, you must comply with the provisions of AR 608-18, The Army Family Advocacy Program, and [Fort Bragg Master Policy Letter # 80](#). Soldiers are required to make their counseling and training appointments; and Commanders and First Sergeants must attend Case Review Committee (CRC) meetings. The CRC evaluates the preponderance of indicators/information to determine if an abusive instance did occur, what factors (problems) contributed to the events, and develops a treatment plan to address all identified problems for all individuals involved, abuser, victim, and child witness to family violence. The objective of the treatment plan is to increase individual and family skills and thereby reduce the potential for violence. Every effort will be made to keep the soldier and family informed on case progress. The CRC is non-punitive and nonjudicial.

5. If any of your soldiers or their family members needs a **protective order**, they must go to the Cumberland County Courthouse in room 106. (This is for people who live on post or in Cumberland County. Families residing in other counties must get the order from that county's courthouse.) To get a protective order, the person must bring all police reports and documentation pertaining to the need for a Protective Order with them for review. If an order is granted, the Fort Bragg Cumberland County Sheriff liaison will serve the order on post.

6. Fort Bragg has a victim advocate. This person understands the problems a victim is facing and can assist the victim in obtaining services. This is one of your best resources

to help families restore self-reliance and well being when abuse occurs. The victim advocate helps with:

- Crisis intervention and assistance provided in response to reported incidents of abuse.
- Safety planning and referral to military and civilian shelters.
- Liaison with medical facilities, financial and legal resources, law enforcement, community agencies, and the command.
- Assistance in securing medical treatment.
- Information concerning legal rights and resources available through military and civilian programs.
- Pre-trial and post-trial support for victims.
- Assistance in applying for transitional monetary compensation and other benefits when the sponsor is separated as a result of dependent-abuse offense.
- Specialized education for military personnel, victims, soldiers, and families.

7. The **Transitional Compensation Program** was implemented to encourage victims to report domestic violence without fear of losing financial stability. It grants benefits to dependents when the soldier is separated from the service or sentenced to total forfeiture of pay and allowances for domestic violence offenses. It provides for:

- Monetary compensation payable for 12 months or the soldier's ETS date, whichever is longer, up to 36 months. Monthly payment for spouse-\$935, eligible child-\$234, or child only-\$397.
- Family member ID card.
- Dental care through military facilities and medical care as TRICARE beneficiaries.
- Access to commissaries and exchanges (subject to host nation agreements overseas).
- Split payments to spouses and legal guardians or the estates if spouses do not have custody of eligible minor children.

8. If you have a soldier convicted of a domestic violence offense in either an off-post court or by special court martial, he is subject to the provisions of the **Lautenberg Amendment to the Gun Control Act of 1968**. Effective 30 September 1996, this law makes it a felony for those convicted of misdemeanor crimes of domestic violence to ship, transport, possess, or receive firearms or ammunition. The Amendment also makes it a felony to transfer a firearm or ammunition to an individual known, or reasonably believed, to have such a conviction. Summary court-martial convictions, non-judicial punishment under Article 15, UCMJ, and deferred prosecutions (or similar alternative dispositions) in civilian court *do not* constitute qualifying convictions within the meaning of the Lautenberg Amendment. As a commander, you:

a. Will notify all soldiers that it is unlawful to possess firearms and ammunition if they have a conviction of a misdemeanor crime of domestic violence (qualifying conviction).

b. Will conduct local unit files checks and will report soldiers known to have qualifying convictions and soldiers reasonably believed to have such convictions to HQDA through command channels. A MILPER Message (MILPER Message 99-159, CDRPERSCOM, TAPC-PDO-IP, 252145Z May 99, subject: Procedural Guidance on the Reporting of Soldiers Affected by the Lautenberg Amendment) provides updated instructions on reporting soldiers affected by the Lautenberg Amendment to PERSCOM.

c. Will detail soldiers who you have reason to believe have a qualifying conviction to duties that do not require the bearing of weapons or ammunition.

d. May not take adverse action solely on the basis of an inability to possess a firearm or ammunition due to a qualifying conviction if the act that led to the conviction occurred on or before 30 September 1996 (but may initiate action, including bars to reenlistment or elimination on the basis of an inability to possess a firearm or ammunition, if the act that led to the conviction occurred after that date).

e. May initiate involuntary separation actions on the basis of the conduct that led to the qualifying conviction, or for a civilian conviction (under AR 635-200, para 14-5), regardless of when the misconduct or conviction occurred.

f. Will ensure that newly arrived or assigned soldiers with qualifying convictions or those whom commanders have reasonable cause to believe have convictions of misdemeanor crimes of domestic violence will not be assigned or attached to TOE or MTOE units and will be denied appointment to leadership positions that would give them access to firearms and ammunition.

g. Will report all soldiers identified as non-deployable under this policy in accordance with the MILPER message issued on 25 May 1999.

h. Should know that:

- Soldiers with qualifying convictions or those whom commanders have reasonable cause to believe have convictions of misdemeanor crimes of domestic violence are not authorized to attend any service school where instruction with individual weapons or ammunition is part of the curriculum.
- Soldiers with qualifying convictions or those whom commanders have reasonable cause to believe have convictions of misdemeanor crimes of domestic violence are not authorized to reenlist but may extend for one year if otherwise qualified.
- The DoD and Army policies *do not* apply to major weapons systems or crew served weapons such as tanks, missiles, and aircraft.
- The DoD and Army policies also apply to privately owned firearms and ammunition. You must therefore establish procedures addressing soldiers with qualifying convictions who store privately owned weapons in unit arms rooms. Procedures may allow soldiers to sell or transfer their weapons to authorized persons directly without taking physical possession of the weapons in violation of the Lautenberg Amendment.

- All soldiers known to have, or soldiers whom commanders have reasonable cause to believe have, a conviction of a misdemeanor crime of domestic violence are non-deployable for missions that require possession of firearms or ammunition.